BOARD OF ADJUSTMENT Zoning Administration Division

Development Services Department (DSD)
201 North Stone Avenue, Tucson, Arizona 85701

*** NOTICE OF DECISIONS ***

DATE OF PUBLIC HEARING JULY 30, 2008

THE DECISIONS OF THE BOARD OF ADJUSTMENT MAY BE APPEALED TO THE SUPERIOR COURT OF PIMA COUNTY BY FILING A COMPLAINT FOR SPECIAL ACTION WITHIN THIRTY (30) DAYS AFTER THE BOARD HAS RENDERED ITS DECISION. ARIZONA REVISED STATUTES SECTION 9-462.06 (J)&(K).

<u>CASE NO.</u> <u>THE APPLICANT</u>

C10-08-11 WINTERHAVEN SQUARE/GLOVER ASSOCIATES, LLC, 3102-3160 EAST FORT LOWELL ROAD, C-1

The applicant's project is Winterhaven Square a 35,209 square foot mixed use shopping center located on a 2.98 acre site on the southeast corner of East Fort Lowell and North Country Club Roads and is zoned C-1 "Commercial. The applicant proposes a change in the mix of tenants. This change is a more intensive mix of land uses with additional parking requirements. Tucson *Land Use Code (LUC)* Sections applicable to the project include, in part, the following: Sections 2.5.3 which provides the criteria for commercial development in the C-1 zone and Sections 3.3.4 and 3.3.5 which provide the mixed use motor vehicle parking regulations. The applicant is seeking zoning approval to allow the existing parking spaces to meet the parking requirements for the mixed use shopping center. The applicant is requesting a variance to reduce the number of required parking spaces from two hundred one (201) motor vehicle spaces to one hundred seventy five (175) motor vehicle parking spaces, as shown on the submitted plans.

DECISION: VARIANCE GRANTED SUBJECT TO THE FOLLOWING CONDITION:

A. Bicycle parking to be calculated and provided based on two hundred one (201) motor vehicle parking spaces.

By LUC regulation, a building permit or development approval based upon a Board of Adjustment decision cannot be issued, until a minimum of fourteen (14) days after the Board's decision date.

IMPORTANT NOTICE

FOR VARIANCES OR DESIGN DEVELOPMENT OPTIONS (DDO) GRANTED BY THE ACTIONS OF THIS BOARD: IF A BUILDING PERMIT IS REQUIRED FOR THE PROJECT ASSOCIATED WITH THE VARIANCE OR DDO, IT MUST BE SECURED FROM THE DEVELOPMENT SERVICES DEPARTMENT (DSD) WITHIN 180 DAYS OF THE HEARING DATE.

VARIANCE AND DDO APPROVALS EXPIRE WITHIN 180 CALENDAR DAYS FROM THE DATE OF THIS MEETING. TWO ADDITIONAL (180 DAY) EXTENSIONS MAY BE GRANTED PROVIDED THERE IS GOOD CAUSE AND THE REQUEST IS MADE IN WRITING.

<u>UNLESS OTHERWISE NOTED</u>, BOARD OF ADJUSTMENT DECISIONS BECOME EFFECTUATED UPON OBTAINING BUILDING PERMITS (IF REQUIRED) AND FULL COMPLIANCE WITH ALL CONDITIONS OF THE BOARD' DECISION.

THE 180 DAY TIME FRAME TO OBTAIN A BUILDING PERMIT DOES NOT APPLY WHEN THERE IS AN OUTSTANDING ZONING VIOLATION WHICH PRECIPITATED THE VARIANCE OR DDO REQUEST FOR THE PROPERTY. THE APPLICANT OR PROPERTY OWNER MUST CONTACT THE DEPARTMENT OF NEIGHBORHOOD RESOURCES FOR THE DATE THE ZONING VIOLATION MUST BE ABATED.

If you want further information, please call Russlyn Wells at 837-4948 or Wayne Bogdan at 837-4946.

Connie Munguia, Secretary Board of Adjustment

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